

 <p>United States Environmental Protection Agency Washington, DC 20460</p> <p>Interagency Agreement/ Amendment</p> <p>Part 1 - General Information</p>		1. EPA IA Identification Number DW-96-94819801 - 7		2. Funding Location by Region EPA R5					
		3. Other Agency IA ID Number (if known)		4. Awarding Office IASSC West					
		5. Type of Action Revision: Scope & Increase		6. IA Specialist: Kathy Tsing-Choy 206-553-4688 Tsing-Choy.Kathy@epa.gov					
7. Name and Address of EPA Organization US Environmental Protection Agency IASSC West 1200 Sixth Avenue, Suite 900, OMP-145 Seattle, WA 98101			8. Name and Address of Other Agency U.S. Army Corps of Engineers Great Lakes and Ohio River / 550 Main Street Cincinnati, OH 45201-1159						
9. DUNS: 029128894		10. BETC: DISB		11. DUNS: 039336271					
12. BETC: COLL									
13. Project Title and Description Technical Assistance and General Program Support for the Great Lakes Legacy Act Program									
<p>This Interagency Agreement between the United States Army Corps of Engineers (USACE) and United States Environmental Protection Agency-Great Lakes National Program Office (U.S. EPA) is to provide funds to the USACE for technical assistance to various projects conducted under the Great Lakes Legacy Act (GLLA) Program.</p> <p>This amendment increases Federal funding by \$660,000, extends the project and budget periods to 09/30/2013, revises the scope of work, and adds term and condition number 15. The scope of work is revised to include work conducted in association with the GLRI program.</p>									
14. EPA Project Officer (Name, Address, Telephone Number) MaryBeth Giancarlo 77 West Jackson Blvd. Chicago, IL 60604-3507 312-886-2253 E-Mail: Giancarlo.MaryBeth@epa.gov FAX:			15. Other Agency Project Officer (Name, Address, Telephone) Kylie Strunk Great Lakes and Ohio River Division / 550 Main Street Cincinnati, OH 45201-1159 513-684-2825 E-Mail: kylie.d.strunk@usace.army.mil FAX: 513-684-3963						
16. Project Period: 06/01/2009 to 09/30/2013			17. Budget Period: 06/01/2009 to 09/30/2013						
18. Scope of Work (See Attachment) REVISED SCOPE OF WORK IS ATTACHED.									
19. Employer/Tax ID No. 520852695		20. CAGE No: 347A4		21. ALC: 68-01-0727					
22. Statutory Authority for Transfer of Funds and Interagency Agreement Economy Act of 1932 As Amended				23. Other Agency Type Federal Agency					
24. Revise Reimbursable Funds and Direct Fund Cites (only complete if applicable)									
	Previous Funding		This Action		Amended Total				
Revise Reimbursable (in-house)					0				
Direct Fund Cite (contractor)					0				
Total					0				
	Previous Amount		Amount This Action		Total Amount				
25. EPA Amount	\$4,679,678		\$660,000		\$5,339,678				
26. EPA In-Kind Amount					\$0				
27. Other Agency Amount					\$0				
28. Other Agency In-Kind Amount					\$0				
29. Total Project Cost	\$4,679,678		\$660,000		\$5,339,678				
30. Fiscal Information									
Treas. Symbol	DCN	FY	Appropriation	Budget Org	PRC	Object Class	Site/Project	Cost Org	Ob/De-Ob Amt
682/30108	1205HCX017	1213	B	05HK0	202BJ7XLA	2506	053304T0		500,000
682/30108	1205HCX017	1213	B	05HK0	202BJ7XF1	2506			160,000
									660,000

Part II - Approved Budget				EPA IAG Identification Number DW-96-94819801 - 7
31. Budget Categories	Itemization of All Previous Actions	Itemization of This Action	In-Kind Itemization of This Action	Itemization of Total Project Cost to Date
(a) Personnel	\$1,546,657	\$238,695		\$1,785,352
(b) Fringe Benefits	\$866,128	\$128,895		\$995,023
(c) Travel	\$64,200	\$24,000		\$88,200
(d) Equipment	\$28,900			\$28,900
(e) Supplies	\$70,000			\$70,000
(f) Procurement / Assistance	\$712,495			\$712,495
(g) Construction	\$25,000			\$25,000
(h) Other	\$60,000	\$6,000		\$66,000
(i) Total Direct Charges	\$3,373,380	\$397,590	\$0	\$3,770,970
(j) Indirect Costs:	\$1,306,298	\$262,410	\$0	\$1,568,708
Charged - Amount Rate: 66% Base: \$1,511,476.00 Not Charged: Funds-Out: Not charged by Other Agency Estimate by other Agency Amount \$				
(k) Total (EPA Share 100.00 %) (Other Agency Share 0.00 %)	\$4,679,678	\$660,000	\$0	\$5,339,678
32. How was the IDC Base calculated?				
33. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Identify all equipment costing \$1,000 or more)				
34. Are any of these funds being used on extramural agreements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Type of Extramural Agreement Contract				
Contractor/Recipient Name (if known)	Total Extramural Amount Under This Project		Percent Funded by EPA (if known)	
UNKNOWN	712495 Total \$ 712,495.00		100	
Part III - Funding Methods and Billing Instructions				
35.	(Note: EPA Agency Location Code (ALC) - 68010727)			
<input checked="" type="checkbox"/> Disbursement Agreement	Request for repayment of actual costs must be itemized on SF 1080 and submitted to the Financial Management Office, Cincinnati, OH 45268-7002:			
<input checked="" type="checkbox"/> Repayment	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Upon Completion of Work			
<input type="checkbox"/> Advance	Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268-7002.			
<input type="checkbox"/> Allocation Transfer-Out	Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Hdqtrs. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.			
36. <input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Repayment <input type="checkbox"/> Advance				
<input type="checkbox"/> Allocation Transfer-In				
Other Agency's Billing Address (include ALC or Station Symbol Number)			Other Agency's Billing Instructions and Frequency	

Part IV - Acceptance Conditions

EPA Identification Number

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37. Terms and Conditions, when included, are located at the end of the 1610-1, or as an attachment.

Part V - Offer and Acceptance

Note: A) For Fund-out actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants and IA Management Division for Headquarters agreements or to the appropriate EPA Regional IA administration office within 3 calendar weeks after receipt or within any extension of time that may be granted by EPA. The agreement/amendment must be forwarded to the address cited in item 29 after acceptance signature.

Failure to return the properly executed document within the prescribed time may result in the withdrawal of offer by EPA. Any change to the agreement/amendment by the other agency after the document is signed by the EPA Award Official, which the Award Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

B) For Funds-In actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IA administration office for signature on behalf of the EPA. EPA will return one original copy after acceptance returned to the other agency after acceptance.

EPA IA Administration Office (for administrative assistance)

EPA Program Office (for technical assistance)

38. Organization/Address

39. Organization/Address

U.S. Environmental Protection Agency
IASSC West
1200 Sixth Avenue, Suite 900, OMP-145
Seattle, WA 98101

US Environmental Protection Agency
R5 - Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3507

Award Official on Behalf of the Environment Protection Agency

40. Digital signature applied by EPA Award Official | Armina K. Nolan - Manager - Grants and Interagency Agreements Unit

Date

05/04/2012

Authorizing Official on Behalf of the Other Agency

41. Signature

Typed Name and Title

Date

COL Margaret W. Burcham, Division Commander

05/29/2012

IA Terms and Conditions

Condition number 15 is ADDED:

15. Restrictions on FY12 Funding for Corporations with Unpaid Federal Tax Liabilities and Felony Convictions

This IA obligates and transfers or advances EPA funds appropriated under the Department of Interior, Environment, and Related Agencies Appropriations Act, (FY12 Appropriations Act). As a result, this interagency agreement (IA) is subject to the provisions of Division E, Sections 433 and 434 of the Appropriations Act, regarding federal felony convictions and unpaid federal tax liabilities. Specifically,

Section 433 provides:

None of the funds made available by this Act [FY12 Appropriations Act] may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

Section 434 of Division E of the Appropriations Act further provides:

None of the funds made available by this Act [FY12 Appropriations Act] may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation with respect to which any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

Accordingly, by accepting the award of this IA, the Recipient agrees that it will comply with and implement the prohibitions of Sections 433 and 434 for any contract, assistance agreement, loan, loan guarantee or other instrument with any corporation that will be funded with funds provided under this IA.

Non-compliance with the provisions of Sections 433 and 434 may implicate the Antideficiency Act. The Recipient will forward to the EPA Award Official, within 45 days, any determination and documentation supporting an award where suspension and debarment are considered by the awarding agency.

END OF INTERAGENCY AGREEMENT NO. DW-96-94819801-7

INTERAGENCY AGREEMENT
BETWEEN THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
AND THE
U.S. ARMY CORPS OF ENGINEERS

SCOPE OF WORK
FOR
TECHNICAL ASSISTANCE AND GENERAL PROGRAM SUPPORT
FOR THE
GREAT LAKES LEGACY ACT PROGRAM
AND THE GREAT LAKES RESTORATION INITIATIVE

REVISION #2
March 15, 2012

**SCOPE OF WORK FOR TECHNICAL ASSISTANCE AND GENERAL PROGRAM SUPPORT FOR THE GREAT LAKES
LEGACY ACT PROGRAM AND THE GREAT LAKES RESTORATION INITIATIVE**
**INTERAGENCY AGREEMENT BETWEEN THE U.S. ENVIRONMENTAL PROTECTION AGENCY
AND THE U.S. ARMY CORPS OF ENGINEERS**

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SCOPE OF WORK FOR TECHNICAL ASSISTANCE AND GENERAL PROGRAM SUPPORT FOR THE GREAT LAKES
LEGACY ACT PROGRAM AND THE GREAT LAKES RESTORATION INITIATIVE
INTERAGENCY AGREEMENT BETWEEN THE U.S. ENVIRONMENTAL PROTECTION AGENCY
AND THE U.S. ARMY CORPS OF ENGINEERS

1 BACKGROUND

This Interagency Agreement is intended to support interagency collaboration between the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE) in support of the Great Lakes Legacy Act (GLLA) program and the Great Lakes Restoration Initiative (GLRI), administered by the USEPA Great Lakes National Program Office (GLNPO). Sediment assessment, remediation planning, technical review of sediment data and dredging planning, research, and other management activities will take place in Great Lakes harbors and tributaries that are of mutual interest to both the USEPA and USACE. It is expected that each agency will benefit through an increased volume of data as well as the technical input provided by the coordinating agencies.

1.1 Great Lakes Legacy Act

Discharges of toxic substances into the Great Lakes Basin have been reduced in the last 20 years, but persistent, high concentrations of contaminants remain in the bottom sediments of some of the rivers and harbors that feed into the Lakes. These contaminants have the potential to cause harm to humans, aquatic organisms, and wildlife, and there are advisories against consuming the fish from most water bodies around the Great Lakes. These problem harbor and tributary areas in the Great Lakes basin have been identified and labeled as "areas of concern" with 31 of the 43 AOCs located on the U.S. side of the Great Lakes. To tackle this problem of contamination, and to take a key step toward recovery of these 31 sites, the Great Lakes Legacy Act (i.e. 'Legacy Act,' or GLLA) was signed into law in 2002, and recently reauthorized in October 2008. The GLLA authorizes federal funding to (1) take the necessary steps to investigate and clean up contaminated sediment in "Areas of Concern located wholly or partially in the United States," (2) coordinate with other agencies to conduct research on innovative sediment treatment and remediation technologies at U.S. AOCs, and (3) provide funding for public outreach/public information at U.S. AOCs regarding sediment remediation. USEPA-GLNPO was designated to implement the GLLA.

1.2 Great Lakes Restoration Initiative

Released in May 2009, the President's FY 2010 budget included \$475 million for a new Great Lakes Restoration Initiative (i.e. 'Initiative,' or GLRI), strategically targeting programs and projects to address the most significant problems in the Great Lakes ecosystem to demonstrate measurable results. EPA, in concert with its federal partners on the Task Force and other stakeholders, is leading the development and implementation of this Initiative and will administer the funding. The Task Force, which is made up of 11 federal agencies, developed an action plan to implement the Initiative. This action plan outlines methods and actions to advance implementation of the Initiative through FY 2014 and will help protect and restore the chemical, physical and biological integrity of the Great Lakes Basin ecosystem through these five urgent issues:

- Cleaning up toxics and areas of concern;
- Combating invasive species;
- Promoting nearshore health by protecting watersheds from polluted run-off;
- Restoring wetlands and other habitats; and
- Tracking progress and working with strategic partners.

The USACE will provide support mostly in the focus area of Toxic Substances and Areas of Concern, under which efforts will be targeted to remediate contaminated sediments and to

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address other major pollution sources in order to restore and delist the most polluted sites in the Great Lakes basin.

1.3 History of Interagency Collaboration

There is a long history of collaboration between the USEPA and USACE on sediment assessment, management, and remediation projects in the Great Lakes. In the 1990's, both agencies worked together on the Assessment and Remediation of Contaminated Sediments (ARCS) program. More recently, the Great Lakes Regional Collaboration, initiated in 2003, of which both USEPA and USACE are both vital partners, calls for a wide-ranging, cooperative effort to design and implement a strategy for the restoration, protection and sustainable use of the Great Lakes, including management of contaminated sediments. Noting the mutual benefit of a *"coordinated effort toward protection and restoration of the health and productivity of the Great Lakes ecosystem"*, the USEPA and USACE entered into a Memorandum of Agreement (MOA), signed on July 21, 2005, in order to provide a framework for providing assistance from USACE in supporting USEPA on environmental and sediment management projects. The MOA also provides a framework for development and implementation of Interagency Agreements (IA) between the two agencies. Since the signing of the MOA, USEPA and USACE have entered into several Interagency Agreements in support of the Great Lakes Legacy Act, including, but not limited to, the following agreements:

- DW-96-94810601: To fund two USACE liaison positions to GLNPO, to provide technical and project management support to GLLA program.
- DW-96-94810201: Sediment remediation planning support for the Kinnickinnic River, Waukegan Harbor, and Ashtabula River projects.
- DW-96-94810901: Technical Assistance on Ruddiman Creek GLLA project.
- DW-96-94809001: Technical Assistance on Black Lagoon GLLA project.

2 SCOPE OF WORK FOR GENERAL PROGRAM SUPPORT SERVICES

This section is intended to outline the general types of technical assistance and program support services required from USACE in support of the Great Lakes Legacy Act Program and Great Lakes Restoration Initiative, which may fall into the following general categories:

- (a) Independent Technical Review
- (b) Third Party Oversight
- (c) Cost Estimating
- (d) Value Engineering
- (e) Construction Oversight
- (f) Real Estate
- (g) Other GLLA Program Support
- (h) Subcontract Support
- (i) Research and Development

It is envisioned that under this Scope of Work, individual Task Orders will be issued to USACE as the need arises to provide technical support services, of the types listed above, for specific sediment management projects. As such, the following sections provide a broad scope outlining the nature of these required technical support services. When specific assistance is required for a particular project, however, a detailed Statement of Work will be provided by GLNPO to the

SCOPE OF WORK FOR TECHNICAL ASSISTANCE AND GENERAL PROGRAM SUPPORT FOR THE GREAT LAKES
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USACE to outline the specific requirements of that Task Order. USACE will be required to track costs for each task order separately for GLNPO accounting purposes. The budget for each individual Task Order will be determined jointly by USEPA and USACE upon development of the Task Order. Additionally, a small percentage of money will be allocated at the Division level for monthly management of this Interagency Agreement.

2.1 Independent Technical Review

USACE will provide independent review of technical reports, proposals, submittals, and/or other project related documents.

2.2 Third Party Oversight / Verification

Under some U.S. EPA contracting mechanisms, the EPA is required to obtain independent third party oversight and/or verification of work performed by an EPA contractor. Under this task, USACE might be required to perform any number of tasks relating to third party oversight of an EPA contractor. For example, this might include activities such as performing a third party bathymetric survey to verify quantities of sediment dredged during a remediation, developing an independent government cost estimate, or performing an independent review of a cost estimate prepared by an EPA contractor.

2.3 Cost Estimating

This task includes both preparation and/or review of cost estimates, including, but not limited to, preparation of Independent Government Cost Estimates and review of third-party cost estimates.

2.4 Value Engineering

USACE will provide support in conducting value engineering studies in support of GLNPO sediment management projects. Value engineering studies may be performed at various stages of the remedial design process, and are required for EPA projects estimated at over \$25 million. For remedial design efforts, value engineering studies can be useful in optimizing design features, or coming up with an alternative design which is more value added. For remedial action phase efforts, a value engineering study may be helpful in providing ways to better implement the selected remedy.

2.5 Field Oversight

This task involves field oversight of various sediment related projects, including sediment assessment and characterization, remediation, and/or related construction projects. This could also include field sampling efforts, including field oversight for sampling events, as well as coordination and oversight during R/V Mudpuppy surveys. This could also include efforts to obtain sampling or survey boats and/or other logistical support services.

2.6 Assessment and Analytical Support

Under this task, USACE will provide technical, logistical, and/or analytical support to perform soil, sediment, water, and other sample collection, along with laboratory and/or field analysis of sample data.

2.7 Real Estate

Under this task, USACE will provide real estate support for GLNPO projects, including preparation of real estate appraisals as well as negotiating property easements, rights-of-entry,

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and access agreements. This may also include review of real estate documents provided by third parties, as well as identification of real estate requirements, and any other real estate support required for GLNPO projects.

2.8 Other GLLA or GLRI Program Support

USACE will provide other technical assistance, project management, or other support services as required to support GLLA or GLRI sediment management projects. This includes, but is not limited to, participating in project coordination meetings, coordinating with project stakeholders, and assisting GLNPO in other ways to support the GLLA and GLRI programs, as determined by GLNPO.

2.9 Subcontract Support

It is anticipated that any of the support services described in this Scope of Work may be provided in part or in full through a USACE subcontractor. For example, members of a value engineering study team might consist of a combination of USACE technical experts along with members from a technical / design subcontractor to USACE. Another example might be that the Corps could perform a third-party bathymetric survey using an existing surveying subcontract mechanism.

2.10 Research and Development

The USACE, primarily through ERDC, will provide technical support for the development and implementation of GLNPO's GLLA Research and Development program. The goal of the program is to develop and use innovative approaches, technologies, and techniques for the remediation of contaminated sediments in Great Lakes AOCs. The research program is focused on three specific areas that ERDC is well positioned to provide technical support: (1) sediment amendment and active capping, (2) in-situ capping remedy monitoring, and (3) remedy effectiveness monitoring. USACE will provide technical support in the form of: bench-scale and mesocosm-scale testing for sediment amendments and active cap materials; laboratory and field support and management for use of innovative biological and chemical sampling techniques and technologies; technical support for development of predictive models of cap performance; technical support for the development of tools to evaluate and predict the performance of caps during the feasibility study phase of projects; and technical support for evaluating the accuracy of the predictive models.

USACE IA a-k breakdown by Project Type

			Technical	R&D ⁽¹⁾	Total
a.	Personnel	Base Salary (OPM Locality)	\$ 759,285	\$ 1,026,067	\$1,785,352
b.	Fringe Benefits*	personnel * effective rate	\$ 420,425	\$ 574,598	\$995,023
c.	Travel		\$ 38,400	\$ 49,800	\$88,200
d.	Equipment		\$ -	\$ 28,900	\$28,900
e.	Supplies		\$ -	\$ 70,000	\$70,000
f.	Procurement/acquisition		\$ 448,038	\$ 264,456	\$712,494
g.	Construction		\$ -	\$ 25,000	\$25,000
h.	Other		\$ 6,000	\$ 60,000	\$66,000
i.	Total Direct	sum of a - h	\$ 1,672,148	\$ 2,098,821	\$3,770,969
j.	Indirect**	total direct * effective rate	\$ 787,852	\$ 780,857	\$1,568,708
k.	Total	i+j	\$ 2,460,000	\$ 2,879,678	\$5,339,678

(1) R&D costs include costs for: Sediment Amendment (50%), Active Cap Monitoring (25%), and Remedy Effectiveness Monitoring Projects (25%)

*or 54-56% of (a)Personnel

**Indirect costs for technical support calculated from an indirect cost rate that ranges from 64.7% in 2009 to 66% in 2012.

Indirect costs for ERDC research calculated from 2010 indirect cost rate of 50.7%.

